

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/639,912
Filing Date: August 16, 2000
Applicant: Bengault et al.
Group Art Unit: 2623
Examiner: Annan Q. Shang
Title: Method And Apparatus For Providing Bi-directional
Data Services And Live Television Programming To
Mobile Platforms
Attorney Docket: 7784-000129

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Commissioner for Patents
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Pre-Appeal Statement

Sir:

The present Pre-Appeal Statement is being submitted In response to the Final Office Action mailed January 28, 2008, wherein all of claims 1-23 were finally rejected. It is respectfully submitted that the Examiner has not made a prima facie case of obviousness, and that all of the claims have been improperly rejected.

OVERVIEW

A brief overview of the presently claimed system and method will likely be helpful to the Examiner. The claimed system is able to provide live television programming and Internet connectivity to occupants of an in-flight mobile platform. One disclosed example is a commercial aircraft that has a plurality of paying

passengers on board, each having a personal electronic device, for example a laptop computer. The system is able to bidirectionally communicate with a terrestrial based station via a transponded satellite to so that passengers can each make specific requests for information (i.e., requests for specific types of information content such as specific television programming, email information, web page information, etc), and can each be provided the specific type of information that they have requested. The providing of specific types of information content (i.e., potentially different types of content) is enabled by the distribution system and method of the present system. The distribution system and method makes use of a data content management system that receives information (i.e., video or data content, or both) from a remote source (e.g., a satellite transponder), and determines what specific, requested information content has been requested by individuals on that particular mobile platform. The distribution system determines exactly those subportions of the data, and/or video content, and/or Internet content, that are to be distributed to specific individuals that have previously made the request for such information. Thus, the system on each given mobile platform intelligently determines 1) what specific information has been requested by individuals on it; and 2) what specific subportions of the data and/or video content and/or Internet content, that has been maintained (i.e., saved on an on-board server) needs to be distributed to which specific individuals.

Rejection of Claims 1-23 under 35 U.S.C. §103(a) Is Improper

Claims 1-23 stand finally rejected as being obvious over Polivka et al. (U.S. Pat. No. 5,463,656) in view of Wagner et al. (U.S. Pat. No. 5,761,602). The Examiner

has not made a prima facie case of obviousness under 35 U.S.C. §103(a), and there would be no motivation to combine the teachings of these two references.

Polivka et al. does not provide or suggest any structure or operation that even remotely resembles the capability of the present system and method. Polivka et al. is directed to a system for conducting video over a satellite link to an aircraft. The main thrust of this reference is the use of “conformal” phased array antennas that are positioned on an exterior surface of the aircraft, and the associated electronics needed to make such conformal antennas operable. The video signals described in Polivka et al. are supplied to an on-board video reconstruction unit 311 (Figure 3A) and then supplied to “on-board video monitors” located on the aircraft. This is discussed at column 10, lines 1-12. It is stated that the video signal may be converted to an analog format “for application to one or more video monitors distributed throughout the aircraft for viewing by passengers” (col. 10, lines 2-4). Accordingly, it will be appreciated that Polivka et al. only discloses presenting video information to one or more monitors located within an aircraft. There is absolutely no discussion of providing an on-board network that has the ability to intelligently discern what specific data, video or Internet content being received by the on-board mobile system is to be used for distribution to its occupants, as well as what specific portions of data, video and/or Internet content have been requested by which occupants, and determining which portions of data, video or Internet content need to be delivered to which specific occupants of the mobile platform. These limitations are generally set forth, for example in Claim 1, as follows:

whereby individual occupants receive only specific subportions of said baseband video signals and said data signals relating to previous information selections made by

said occupants; and

said independent mobile system also operating to transmit said signals input by each of said occupants from each of said access stations, via said RF transponder, to said ground-based antenna system. (Emphasis added)

Wagner et al. was cited by the Examiner for the alleged teaching of transmitting Internet data via a multi-channel data transmission system. The thrust of this reference is the goal of making more efficient use of unused data capacity of existing cable TV systems and the connections to existing home or office cable wiring. A point-to-point telephone link is formed between each client (labeled with numeral 2 in Figure 1) and a router 1. An ISP 8 provides Internet data via a distributor 5 and a dedicated one-way link 6 to the client 2. Thus, it appears that each client 2 would make separate requests via her/his own point-to-point link telephone link, and would receive Internet data via the separate link labeled with number 6 in Figure 1. There is no discussion or suggestion of potentially using the teachings of Wagner et al. in connection with a mobile system adapted to receive signals from a satellite based transponder, nor any discussion or suggestion as to how information content being transmitted in Wagner et al., via the unidirectional broadcast link 6 (Figure 1) could be managed by each mobile platform (i.e, each of clients 2 in Wagner et al) to ensure that only information intended for its occupants is used, and then further exactly how specific portions of the received information content will be distributed to those individuals that have requested specific types of information content. In fact, Wagner et al. appears fundamentally different in that it appears that link 6 will be transmitting specific information directly to each client 2,

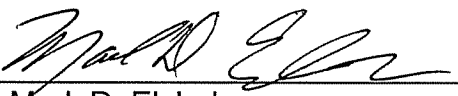
rather a collection of content that is to be intelligently parsed out to various independent users, as with the presently claimed system. Even when using the teachings of Wagner et al in the light most favorable to the Examiner's position, Wagner et al. simply does not disclose or suggest, by itself or taken with Polivka et al., using a system onboard a mobile platform that is able to decide exactly which subportion of the received data content needs to go to exactly which individual on the mobile platform, which is clearly recited in the independent claims of the present application. In short, the combined system of Polivka et al and Wagner et al appears wholly unsuited to applications involving a mobile platform, where each of the occupants using the communication system of the mobile platform would need to communicate via a single satellite link, rather than multiple point-to-point links, with an off-board system, and wherein the system on the mobile platform needs to be able to determine those specific portions of the received information content that need to be distributed to specific occupants.

Conclusion

It is submitted that the combined teachings of Polivka et al. and Wagner et al. do not render the presently pending claims obvious, and allowance of all of the claims is respectfully requested.

Respectfully submitted,

Dated: April 21, 2008
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